



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3513/P1

TJD:cjs:rs

In: 1/14
after hours

Due Wed
1/15

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

THUR ASAP

Gen Cat

AN ACT *to amend* 20.435 (5) (a), 46.031 (2), 46.031 (2g) (a), 46.031 (2g) (b), 46.031 (2r) (b), 46.031 (3) (a), 46.031 (3) (b), 46.031 (3) (c), 46.034 (3), 46.175, 46.18 (1), 46.18 (3), 46.18 (4), 46.18 (11), 46.18 (12), 46.18 (13), 46.18 (14), 46.18 (15), 46.19 (4), 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g), (3r), (4m) (a) and (b) and (6), 51.20 (18) (a), 51.42 (1) (b), 51.42 (3) (a), 51.42 (3) (ar) 3., 51.42 (3) (ar) 8., 51.42 (3) (ar) 14., 51.42 (3) (b), 51.42 (4) (a) 1. (intro.), 51.42 (4) (a) 1. a., 51.42 (4) (a) 2. (intro.), 51.42 (4) (b) 1., 51.42 (5) (a) 4., 51.42 (5) (a) 5., 51.42 (5) (a) 6., 51.42 (5) (a) 12., 51.42 (5) (b) (intro.), 51.42 (5) (b) 3., 51.42 (6) (d), 51.42 (6m) (intro.), 51.42 (6m) (c), 51.42 (6m) (i), 51.42 (6m) (m) 3., 51.423 (11), 51.437 (4) (a), 51.437 (4g) (a), 51.437 (4g) (b), 51.437 (4g) (c), 51.437 (4m) (j), 51.437 (4m) (m), 51.437 (4r) (a) 3., 51.437 (7) (a) 1., 51.437 (7) (a) 2., 51.437 (9) (a), 51.437 (9) (g), 51.437 (10) (ar) 3., 51.437 (10m) (intro.), 51.437 (10m) (c), 51.437 (10m) (i), 51.437 (10m) (n) 3., 51.44 (4), 51.61 (1) (e), 51.61 (1) (f) and 55.001; and *to create* 15.07 (1) (b) 24., 15.07 (3) (bm) 7., 15.195 (9) and 51.41 of the statutes; *relating to:* Milwaukee County mental health functions, programs, and

④ ~~xxx~~ Note: The inclusion of this provision in this Statutory unit dictates that nominations are by the governor with appointments by advice and consent of the ~~senate~~. services, creation of the Milwaukee County mental health board, and making an appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.07 (1) (b) 24. of the statutes is created to read:

15.07 (1) (b) 24. The Milwaukee County mental health board, subject to s.

15.195 (9).

SECTION 2. 15.07 (3) (bm) 7. of the statutes is created to read:

15.07 (3) (bm) 7. The Milwaukee County mental health board shall meet 4 times each year and may meet at other times on the call of the chairperson or a majority of the board's members.

SECTION 3. 15.195 (9) of the statutes is created to read:

15.195 (9) MILWAUKEE COUNTY MENTAL HEALTH BOARD. There is created a Milwaukee County mental health board, which is attached to the department of health services under s. 15.03. The board shall consist of the following 7 members:

****NOTE: This draft attaches the Milwaukee County mental health board to DHS for limited purposes so that the board will have administrative support from DHS. Please note that there are default provisions governing boards in s. 15.07 some of which I have altered in this draft. Those provisions I have not changed will apply to the Milwaukee County mental health board as they apply to other boards.

(a) The secretary of the department, or his or her designee.

(b) Two members who are licensed in a medical or health profession in this state, for staggered 3-year terms.

appointed for ~~staggered~~ 4-year terms

(b) Subject to par. (c); the

1 (c) Two members selected from persons suggested by the Milwaukee County
2 executive, for staggered 3-year terms. The county executive shall suggest to the
3 governor 3 persons who are licensed in a medical or health profession in this state
4 for each board membership position. The county executive shall suggest per
5 membership position at least one individual with experience in hospital
6 administration and at least one individual with a financial background and
7 experience in hospital administration.

****NOTE: I am unsure whether a hospital administrator must also be a medical or health professional. You may want to consider not putting the requirement to be a medical professional on the hospital administrator positions.

8 (d) Two members selected from persons suggested by the chairperson of the
9 Milwaukee County board of supervisors for staggered 3-year terms. The
10 chairperson of the Milwaukee County board of supervisors shall suggest to the
11 governor 3 persons who are licensed in a medical or health profession in this state
12 for each board membership position. The chairperson shall suggest per membership
13 position at least one representative from a mental health advocacy group and at least
14 one psychiatrist licensed under subch. II of ch. 448 or one psychologist licensed under
15 ch. 455.

16 **SECTION 4.** 20.435 (5) (a) of the statutes is amended to read:

17 20.435 (5) (a) *General program operations.* The amounts in the schedule for
18 general program operations relating to mental health and alcoholism or other drug
19 abuse services, including field services and administrative services and for the
20 Milwaukee County mental health board.

****NOTE: The Milwaukee County mental health board reimburses its members for costs and will need administrative support from DHS so this draft adds this purpose to a DHS GPR appropriation. If you want to follow this approach, please consider how much money you would like to add to this appropriation for the board. Alternatively, you may have Milwaukee County pay the state for these functions in some way. Please advise how you would like to fund the board.

1 **SECTION 5.** 46.031 (2) of the statutes is amended to read:

2 **46.031 (2) ASSESSMENT OF NEEDS.** Before developing and submitting a proposed
3 budget to the county executive or county administrator or the county board or the
4 Milwaukee County mental health board, the county departments listed in sub. (1)
5 shall assess needs and inventory resources and services, using an open public
6 participation process.

7 **SECTION 6.** 46.031 (2g) (a) of the statutes is amended to read:

8 **46.031 (2g) (a)** The department shall annually submit to the county board of
9 supervisors in a county with a single-county department, the Milwaukee County
10 mental health board, or the county boards of supervisors in counties with a
11 multicounty department a proposed written contract containing the allocation of
12 funds and such administrative requirements as necessary. The contract as approved
13 may contain conditions of participation consistent with federal and state law. The
14 contract may also include provisions necessary to ensure uniform cost accounting of
15 services. Any changes to the proposed contract shall be mutually agreed upon. The
16 county board of supervisors in a county with a single-county department, the
17 Milwaukee County mental health board, or the county boards of supervisors in
18 counties with a multicounty department shall approve the contract before January
19 1 of the year in which it takes effect unless the department grants an extension. The
20 county board of supervisors in a county with a single-county department, the
21 Milwaukee County mental health board, or the county boards of supervisors in
22 counties with a multicounty department may designate an agent to approve addenda
23 to any contract after the contract has been approved.

24 **SECTION 7.** 46.031 (2g) (b) of the statutes is amended to read:

1 46.031 (2g) (b) The department may not approve contracts for amounts in
2 excess of available revenues. The county board of supervisors in a county with a
3 single-county department, the Milwaukee County mental health board, or the
4 county boards of supervisors in counties with a multicounty department may
5 appropriate funds not used to match state funds under ss. 46.495 (1) (d) and 51.423.
6 Actual expenditure of county funds shall be reported in compliance with procedures
7 developed by the department, and shall comply with standards guaranteeing quality
8 of care comparable to similar facilities.

9 **SECTION 8.** 46.031 (2r) (b) of the statutes is amended to read:

10 46.031 (2r) (b) If the department withholds a portion of the allocable
11 appropriation under par. (a), the county department affected by the action of the
12 department may submit to the county board of supervisors in a county with a
13 single-county department or to its designated agent, to the Milwaukee County
14 mental health board, or to the county boards of supervisors in counties with a
15 multicounty department or their designated agents a plan to rectify the deficiency
16 found by the department. The county board of supervisors or its designated agent
17 in a county with a single-county department, the Milwaukee County mental health
18 board, or the county boards of supervisors in counties with a multicounty department
19 or their designated agents may approve or amend the plan and may submit for
20 departmental approval the plan as adopted. If a multicounty department is
21 administering a program, the plan may not be submitted unless each county board
22 of supervisors which participated in the establishment of the multicounty
23 department, or its designated agent, adopts it.

24 **SECTION 9.** 46.031 (3) (a) of the statutes is amended to read:

1 46.031 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
2 county board of supervisors of each county, the Milwaukee County mental health
3 board, as applicable, or the county boards of supervisors of 2 or more counties jointly
4 shall establish a citizen advisory committee to the county departments under ss.
5 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory committee shall advise
6 in the formulation of the budget under sub. (1). Membership on the committee shall
7 be determined by the county board of supervisors in a county with a single-county
8 committee, the Milwaukee County mental health board, as applicable, or by the
9 county boards of supervisors in counties with a multicounty committee and shall
10 include representatives of those persons receiving services, providers of service and
11 citizens. A majority of the members of the committee shall be citizen and service
12 consumers. The committee's membership may not consist of more than 25% county
13 supervisors, nor of more than 20% service providers. The chairperson of the
14 committee shall be appointed by the county board of supervisors establishing it or
15 by the Milwaukee County mental health board, if it establishes the committee. In
16 the case of a multicounty committee, the chairperson shall be nominated by the
17 committee and approved by the county boards of supervisors establishing it. The
18 county board of supervisors in a county with a single-county committee or the county
19 boards of supervisors in counties with a multicounty committee may designate an
20 agent to determine the membership of the committee and to appoint the committee
21 chairperson or approve the nominee.

22 **SECTION 10.** 46.031 (3) (b) of the statutes is amended to read:

23 46.031 (3) (b) *Alternate process.* The county board of supervisors, the
24 Milwaukee County mental health board, or the boards of 2 or more counties acting
25 jointly may submit a report to the department on the open public participation

1 process used under sub. (2). The county board of supervisors or the Milwaukee
2 County mental health board may designate an agent, or the boards of 2 or more
3 counties acting jointly may designate an agent, to submit the report. If the
4 department approves the report, establishment of a citizen advisory committee
5 under par. (a) is not required.

6 **SECTION 11.** 46.031 (3) (c) of the statutes is amended to read:

7 46.031 (3) (c) *Yearly report.* The county board of supervisors or its designated
8 agent, the Milwaukee County mental health board, or the boards of 2 or more
9 counties acting jointly or their designated agent, shall submit to the department a
10 list of members of the citizen advisory committee under par. (a) or a report on the
11 open public participation process under par. (b) on or before July 1 of each year.

12 **SECTION 12.** 46.034 (3) of the statutes is amended to read:

13 46.034 (3) With the agreement of the affected county board of supervisors in
14 a county with a single-county department, the Milwaukee County mental health
15 board, or boards of supervisors in counties with a multicounty department, effective
16 for the contract period beginning January 1, 1980, the department may approve a
17 county with a single-county department or counties participating in a multicounty
18 department to administer a single consolidated aid consisting of the state and federal
19 financial aid available to that county or those counties from appropriations under s.
20 20.435 (7) (b) and (o) for services provided and purchased by county departments
21 under ss. 46.215, 46.22, 46.23, 51.42, and 51.437. Under such an agreement, in the
22 interest of improved service coordination and effectiveness, the county board of
23 supervisors in a county with a single-county department, the Milwaukee County
24 mental health board, as applicable, or county boards of supervisors in counties with
25 a multicounty department may reallocate among county departments under ss.

46.215, 46.22, 46.23, 51.42, and 51.437 funds that otherwise would be specified for use by a single county department. The budget under s. 46.031 (1) shall be the vehicle for expressing the proposed use of the single consolidated fund by the county board of supervisors in a county with a single-county department, the Milwaukee County mental health board, or county boards of supervisors in counties with a multicounty department. Approval by the department of this use of the fund shall be in the contract under s. 46.031 (2g). Counties that were selected by the department to pilot test consolidated aids for contract periods beginning January 1, 1978, may continue or terminate consolidation with the agreement of the affected county board of supervisors in a county with a single-county department, the Milwaukee County mental health board, or county boards of supervisors in counties with a multicounty department.

****NOTE: This provision refers to agreements. I am unsure whether the board will be able to enter into agreements on its own but will check into this.

SECTION 13. 46.175 of the statutes is amended to read:

46.175 County institutions: minimum standards. Notwithstanding any other provision of law, any county currently operating an institution established under s. 49.70, 49.71, 49.72, 51.08 or 51.09 may, by resolution of the county board or in Milwaukee County, the Milwaukee County mental health board, designate such institution or distinct part of such institution as a facility to be operated under s. 50.02, 50.03 or 50.33. Any county institution or part thereof, where so designated, shall be required to meet those licensure standards established by the department for the type of facility designated by the county. Any designation under this section may be made only if such designation will not result in any additional cost to the state.

1 **SECTION 14.** 46.18 (1) of the statutes is amended to read:

2 46.18 (1) TRUSTEES. Every county home, infirmary, hospital, or similar
3 institution, shall, subject to regulations approved by the county board or, in
4 Milwaukee County, the Milwaukee County mental health board, be managed by a
5 board of trustees, electors of the county, chosen by ballot by the county board. At its
6 annual meeting, the county board or the Milwaukee County mental health board, if
7 applicable, shall appoint an uneven number of trustees, from 3 to 9 at the option of
8 the board, for staggered 3-year terms ending the first Monday in January. Any
9 vacancy shall be filled for the unexpired term by the county board or the Milwaukee
10 County mental health board; but the chairperson of the county board may appoint
11 a trustee to fill the vacancy until the county board acts except in Milwaukee County
12 where the chairperson of the Milwaukee County mental health board may appoint
13 a trustee to fill the vacancy until the entire Milwaukee County mental health board
14 acts.

15 **SECTION 15.** 46.18 (3) of the statutes is amended to read:

16 46.18 (3) REMOVAL OF TRUSTEE. Any trustee may be removed from office for
17 misconduct or neglect, by a two-thirds vote of the county board or of the Milwaukee
18 County mental health board, if applicable, on due notice in writing and hearing of
19 the charges against the trustee.

20 **SECTION 16.** 46.18 (4) of the statutes is amended to read:

21 46.18 (4) OATH OF OFFICE, BOND, EXPENSES, PAY. Each trustee shall take and file
22 the official oath and execute and file an official bond to the county, in the amount
23 determined by the county board, or the Milwaukee County mental health board, and
24 the sufficiency of the sureties shall be approved by the chairperson of the board. Each
25 trustee shall be reimbursed for traveling expenses necessarily incurred in the

1 discharge of the duties, and shall receive the compensation fixed by the county board
2 or the Milwaukee County mental health board, unless otherwise provided by law.

3 **SECTION 17.** 46.18 (11) of the statutes is amended to read:

4 46.18 (11) COUNTY APPROPRIATION. The county board or, in Milwaukee County,
5 the Milwaukee County mental health board shall annually appropriate for operation
6 and maintenance of each such institution not less than the amount of state aid
7 estimated by the trustees to accrue to said institution; or such lesser sum as may be
8 estimated by the trustees to be necessary for operation and maintenance.

9 **SECTION 18.** 46.18 (12) of the statutes is amended to read:

10 46.18 (12) ADDITIONAL DUTIES. The county board or the Milwaukee County
11 mental health board as applicable may provide that the trustees and superintendent
12 of any institution shall be the trustees and superintendent of any other institution.

13 **SECTION 19.** 46.18 (13) of the statutes is amended to read:

14 46.18 (13) BUILDING RESERVE FUND. The Except in Milwaukee County, the
15 county board shall maintain as a segregated cash reserve an annual charge of 2% of
16 the original cost of new construction or purchase or of the appraised value of existing
17 infirmary structures and equipment. In Milwaukee County, the Milwaukee County
18 mental health board, for mental health infirmary structures and equipment, shall
19 require the county board to maintain as a segregated cash reserve an annual charge
20 of 2 percent of the original cost of new construction or purchase or of the appraised
21 value of existing mental health infirmary structures and equipment. If the infirmary
22 or any of its equipment is replaced, any net cost of replacement in excess of the
23 original cost is subject to an annual charge of 2%. No contributions to the cash
24 reserve in excess of the amount required under this subsection may be included in
25 the calculation under s. 49.726 (1). The county board may from time to time

1 appropriate from such reserve sums to be expended solely for the enlargement,
2 modernization or replacement of such infirmary and its equipment. In Milwaukee
3 County, the county board may only appropriate from reserve sums for mental health
4 infirmaries to be expended for the enlargement, modernization, or replacement of a
5 mental health infirmary and its equipment upon the request of the Milwaukee
6 County mental health board.

7 **SECTION 20.** 46.18 (14) of the statutes is amended to read:

8 46.18 (14) INCENTIVE PAYMENTS TO PATIENTS IN MENTAL HOSPITALS. The county
9 board or, in Milwaukee County, the Milwaukee County mental health board may
10 authorize the board of trustees of any county mental hospital to establish a program
11 of incentive payments so as to provide incentive and encouragement to patients by
12 the disbursement of small weekly payments but not restricted to work allowances.
13 Incentive payments paid to inmates shall not be included as costs in arriving at the
14 per capita rate for state aids or charges to other counties and the state for care of
15 inmates. ~~In counties having a population of 500,000 or more the county board of~~
16 ~~supervisors may establish a similar program.~~

17 **SECTION 21.** 46.18 (15) of the statutes is amended to read:

18 46.18 (15) JOINT OPERATION OF HEALTH-RELATED SERVICE. If the county board of
19 supervisors, or the Milwaukee County mental health board, if applicable, so
20 authorizes, the trustees of the county hospital may, together with a private or public
21 organization or affiliation, organize, establish and participate in the governance and
22 operation of an entity to operate, wholly or in part, any health-related service, may
23 participate in the financing of the entity and may provide administrative and
24 financial services or resources for its operation on terms prescribed by the county
25 board of supervisors or the Milwaukee County mental health board, if applicable.

1 **SECTION 22.** 46.19 (4) of the statutes is amended to read:

2 46.19 (4) The salaries of the superintendent, visiting physician and all
3 necessary additional officers and employees shall be fixed by the county board or, if
4 applicable, the Milwaukee County mental health board.

5 **SECTION 23.** 46.21 (2) (a), (j), (k), (m) and (q), (2m) (a) and (b) 1. (intro.), (3), (3g),
6 (3r), (4m) (a) and (b) and (6) of the statutes are amended to read:

7 46.21 (2) (a) Shall adopt policies for the management, operation, maintenance
8 and improvement of the county hospital; the detention center; the probation section
9 of the children's court center; the provision and maintenance of the physical facilities
10 for the children's court and its intake section under the supervision and operation
11 of the judges assigned to exercise jurisdiction under chs. 48 and 938 and as provided
12 in s. 938.06 (1); ~~the mental health complex~~; the county department of human
13 services; the central service departments; and all buildings and land used in
14 connection with any institution under this section except a mental health
15 institution. The powers and duties of the county board of supervisors are policy
16 forming only, and not administrative or executive. The county board of supervisors
17 may not form policies regarding mental health or mental health institutions,
18 programs, or services.

19 (j) May exercise approval or disapproval power over contracts and purchases
20 of the director that are for \$50,000 or more, except that the county board of
21 supervisors may not exercise approval or disapproval power over any personal
22 service contract or over any contract or purchase of the director that relates to
23 community living arrangements, adult family homes, or foster homes and that was
24 entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless
25 of whether the contract mentions the provider, except as provided in par. (m). The

1 county board of supervisors may not exercise approval or disapproval power over any
2 contract relating to mental health or mental health institutions, programs, or
3 services. This paragraph does not preclude the county board of supervisors from
4 creating a central purchasing department for all county purchases that are not
5 related to mental health.

6 (k) Shall make sufficient appropriation annually for the support, maintenance,
7 salaries, repairs and improvements to the county department of human services and
8 the institutions, except for mental health institutions. The appropriations shall be
9 used subject to the order of the director or administrator and as the policies adopted
10 by the county board of supervisors provide. The director or administrator may not
11 incur any expense or contract for new buildings, additions to present buildings or the
12 purchase of land until the county board of supervisors, or the Milwaukee County
13 mental health board, if applicable, has appropriated or provided for the money to
14 defray such expense.

15 (m) May establish and maintain in connection with such county hospital, an
16 emergency unit or department for the treatment, subject to such rules as may be
17 prescribed by the county board of supervisors, of persons in the county who may meet
18 with accidents or be suddenly afflicted with illness not contagious; provided that
19 medical care and treatment shall only be furnished in such unit or department until
20 such time as the patient may be safely removed to another hospital or to his or her
21 place of abode, or regularly admitted to the county hospital. The county board of
22 supervisors may also contract with any private hospital or nonprofit hospital within
23 the county for the use of its facilities and for medical service to be furnished by a
24 licensed physician or physicians to patients who require emergency medical
25 treatment or first aid as a result of any accident, injury or sudden affliction of illness

1 occurring within the county, except that reasonable compensation may only be
2 authorized until the patient is regularly admitted as an inpatient or safely removed
3 to another hospital or to his place of abode. In this paragraph, “hospital” includes,
4 without limitation due to enumeration, public health centers, medical facilities and
5 general, tuberculosis, ~~mental~~, chronic disease and other types of hospitals and
6 related facilities, such as laboratories, outpatient departments, nurses’ home and
7 training facilities, and central service facilities operated in connection with
8 hospitals. In this paragraph, “hospital” does not include any hospital furnishing
9 primarily domiciliary care. In this paragraph “nonprofit hospital” means any
10 hospital owned and operated by a corporation or association, no part of the net
11 earnings of which inures, or may lawfully inure, to the benefit of any private
12 shareholder or individual.

13 (q) May, together with a private or public organization or affiliation, organize,
14 establish and participate in the governance and operation of an entity to operate,
15 wholly or in part, any health-related service except a mental health-related service,
16 may participate in the financing of the entity and may provide administrative and
17 financial services or resources for its operation on terms prescribed by the county
18 board of supervisors.

19 (2m) (a) *Creation.* The management, operation, maintenance and
20 improvement of human services in a county with a population of ~~500,000~~ 750,000 or
21 more is vested in a county department of human services under the jurisdiction, as
22 to policy, of the county board of supervisors or the Milwaukee County mental health
23 board as to mental health policy. The county department of human services shall
24 consist of the director appointed under sub. (1m), any division administrator

1 appointed under sub. (4) and necessary personnel appointed by the director or
2 appointed by a division administrator and approved by the director.

3 (b) 1. (intro.) The county board of supervisors or, in matters related to mental
4 health, the Milwaukee County mental health board may transfer the powers and
5 duties of any human services program under the control of the county and shall
6 transfer all of the following to the county department of human services:

7 (3) POWERS AND DUTIES OF THE DIRECTOR. All of the administrative and executive
8 powers and duties of managing, operating, maintaining and improving the county
9 department of human services and other institutions and departments that the
10 county board of supervisors or, in matters of mental health, the Milwaukee County
11 mental health board may place under the jurisdiction of the director are vested in the
12 director, subject to the policies and in accordance with the principles adopted by the
13 county board of supervisors or, in matters of mental health, the Milwaukee County
14 health board.

15 (3g) POWERS AND DUTIES OF THE ADMINISTRATOR. All of the administrative and
16 executive powers and duties of managing, operating, maintaining and improving the
17 county hospital and other institutions and departments that the county board of
18 supervisors or, in matters of mental health, the Milwaukee County mental health
19 board may place under the jurisdiction of the administrator are vested in the
20 administrator, subject to the policies and in accordance with the principles adopted
21 by the county board of supervisors or, in matters of mental health, the Milwaukee
22 County mental health board.

23 (3r) OTHER POWERS AND DUTIES. The county board of supervisors or, in matters
24 of mental health, the Milwaukee County mental health board may place under the
25 jurisdiction of county entities not specified under this section the administrative and

1 executive powers and duties of managing, operating, maintaining and improving
2 institutions and departments or other responsibilities that are specified in sub. (2),
3 including functions related to the central service departments and buildings and
4 land used in connection with any institution under sub. (2).

5 (4m) (a) The county hospitals and county sanatoriums of a county with a
6 population of ~~500,000~~ 750,000 or more shall be devoted to hospital service and the
7 treatment of patients upon such terms and conditions as the county board of
8 supervisors or, in matters of mental health, the Milwaukee County mental health
9 board establishes. The hospitals and sanatoriums may be utilized for instruction of
10 medical students, physicians and nurses and for scientific and clinical research that
11 will promote the welfare of the patients and assist the application of science to the
12 alleviation of human suffering.

13 (b) Professional staff responsible for the care of patients under this subsection
14 may submit bills for professional services under policies adopted by the county board
15 of supervisors or under mental health policies adopted by the Milwaukee County
16 mental health board.

17 (6) REPORTS; EXPENDITURES. The director and the administrator shall submit
18 annually to the county board of supervisors, or to the Milwaukee County mental
19 health board in matters of mental health, reports, including itemized statements of
20 receipts and disbursements, at the times and in the manner that the county board
21 of supervisors or Milwaukee County mental health board specifies and as are
22 required to comply with applicable federal statutes and regulations and state
23 statutes and rules. Disbursements shall be made in the manner that the county
24 board of supervisors or Milwaukee County mental health board, as applicable,
25 adopts, consistent with sound accounting and auditing procedure and with

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(B) 17 - Milwaukee County mental health

1 applicable federal statutes and regulations, state statutes and rules and
2 requirements of the county auditor and county department of administration.

3 **SECTION 24.** 51.20 (18) (a) of the statutes is amended to read:

4 51.20 (18) (a) Unless previously fixed by the county board of supervisors or the
5 Milwaukee County mental health board in the county in which the examination is
6 held, the examiners shall receive a fee as fixed by the court for participation in
7 commitment proceedings, and reasonable reimbursement for travel expenses.

8 **SECTION 25.** 51.41 of the statutes is created to read:

9 **51.41 Milwaukee County mental health board.** (1) DEFINITIONS. In this
10 section, "board" means the Milwaukee County mental health board.

11 (2) POWERS OF THE BOARD. The board shall have all the powers necessary or
12 Milwaukee County mental health convenient to carry out the purposes and provisions of this section and the duties
13 assigned to the Milwaukee County mental health board under the statutes. In addition to all other powers granted by
14 this section and the statutes, the Milwaukee County mental health board may do any of the following:

15 (a) Compel cooperation in its mission by any county department under s. 46.21,
16 51.42, or 51.437.

17 (b) Request information from the Milwaukee Mental Health Complex, a county
18 department under s. 46.21, 51.42, or 51.437, or any other Milwaukee County
19 governmental unit that possesses mental health information in order to fulfill its
20 duties of overseeing mental health functions, programs, and services in Milwaukee
21 County.

22 **1** (B) DUTIES OF THE BOARD. The Milwaukee County mental health board shall do all of the following:

23 (a) Oversee the provision of mental health programs and services in Milwaukee
24 County.

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5. Providing early intervention to minimize the length and depth of psychotic and other mental health episodes.

6. Diverting people experiencing mental illness from the corrections system when appropriate.

7. Maximizing use of mobile crisis units and crisis intervention training.

(END INSERT 18-8)

Insert to Ins 18-9

INSERT 18-9

The base budget amount for mental health functions, services, and programs in Milwaukee County is \$177,425,000. The base budget specified in this subsection shall be annually adjusted to reflect the change in the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, during the calendar year preceding the year for which the adjustment is being made. The percentage increase in the base budget may not increase more than the percent increase in the tax levy rate in the previous year. The Milwaukee County board of supervisors shall incorporate this budget amount into the budget for Milwaukee County. The Milwaukee County board of supervisors may not provide resources for mental health functions, services, and programs that are less than this total amount or more than this total amount.

****NOTE: The reference to the tax levy may need to be changed. I need to speak to a tax drafter. Indexing the budget amount for inflation is problematic as the tax levy does not increase as nearly the same rate as inflation. There is a danger that the mental health budget may begin to consume other portions of the budget. There is no way under this calculation to reduce the budget amount, which means there is no incentive to be financially efficient.

for the county or the Milwaukee County mental health board

(4) JURISDICTION OF MILWAUKEE COUNTY BOARD. (a) The Milwaukee County board of supervisors has no jurisdiction over any mental health policy, functions, programs, or services. The Milwaukee County board of supervisors may not create

(b) ~~Make recommendations to the Milwaukee County executive on the budget~~ ^{amount}
and ^A allocate moneys for mental health functions, programs, ^Y and services in
Milwaukee County ^{in accordance with sub. (4)} ~~in accordance with sub. (4)~~ ^{within the base budget set}
^{in Sub. (3)(a)}

(c) Make the final determination on mental health policy in Milwaukee County.

(d) Have as a goal in its policy determinations a transition to a
community-based model for mental health programs and services.

d - (e) Replace the Milwaukee County board of supervisors in all mental health
functions that are typically performed by a county board of supervisors.

^C
~~(B) (4) MILWAUKEE COUNTY MENTAL HEALTH BUDGET~~ (a) Before the Milwaukee
County executive proposes the county budget, the board shall make
recommendations to the Milwaukee County executive on the mental health budget.

(b) The Milwaukee County executive shall consider the recommendations of
the board in setting a maximum amount to be budgeted for all Milwaukee County
mental health functions, programs, and services.

(c) The board may not exceed the maximum amount budgeted by the county
executive under par. (b) when allocating moneys to be spent on each mental health
function, program, and service. The board may allocate a total amount that is less
than the maximum budgeted amount under par. (b).

(d) The Milwaukee County board of supervisors may not change the maximum
amount set by the county executive under par. (b), the total amount allocated by the
board under par. (c) if the allocation is less than the maximum amount, or any
amount allocated to a mental health function, program, or service.

***NOTE: Please note that this version has the county executive setting the
maximum for the mental health budget. Instead, you could determine the percentage of
the budget that is mental health-related and insert that into the statutes.

SECTION 26. 51.42 (1) (b) of the statutes is amended to read:

1 51.42 (1) (b) *County liability.* The county board of supervisors or, in Milwaukee
2 County, the Milwaukee County mental health board has the primary responsibility
3 for the well-being, treatment and care of the mentally ill, developmentally disabled,
4 alcoholic and other drug dependent citizens residing within its county and for
5 ensuring that those individuals in need of such emergency services found within its
6 county receive immediate emergency services. This primary responsibility is limited
7 to the programs, services and resources that the county board of supervisors, or, as
8 applicable, the Milwaukee County mental health board, is reasonably able to provide
9 within the limits of available state and federal funds and of county funds required
10 to be appropriated to match state funds. County liability for care and services
11 purchased through or provided by a county department of community programs
12 established under this section shall be based upon the client's county of residence
13 except for emergency services for which liability shall be placed with the county in
14 which the individual is found. For the purpose of establishing county liability,
15 “emergency services” includes those services provided under the authority of s. 55.05
16 (4), 2003 stats., or s. 55.06 (11) (a), 2003 stats., or s. 51.15, 51.45 (11) (a) or (b) or (12),
17 55.13, or 55.135 for not more than 72 hours. Nothing in this paragraph prevents
18 recovery of liability under s. 46.10 or any other statute creating liability upon the
19 individual receiving a service or any other designated responsible party, or prevents
20 reimbursement by the department of health services for the actual cost of all care and
21 services from the appropriation under s. 20.435 (7) (da), as provided in s. 51.22 (3).

22 **SECTION 27.** 51.42 (3) (a) of the statutes is amended to read:

23 51.42 (3) (a) *Creation.* Except as provided under s. 46.23 (3) (b), the county
24 board of supervisors of any county except Milwaukee County, the Milwaukee County
25 mental health board, or the county boards of supervisors of 2 or more counties, shall

1 establish a county department of community programs on a single-county or
2 multicounty basis to administer a community mental health, developmental
3 disabilities, alcoholism and drug abuse program, make appropriations to operate the
4 program and authorize the county department of community programs to apply for
5 grants-in-aid under s. 51.423. The county department of community programs shall
6 consist of a county community programs board, a county community programs
7 director and necessary personnel.

8 **SECTION 28.** 51.42 (3) (ar) 3. of the statutes is amended to read:

9 51.42 (3) (ar) 3. Plan for and establish a community developmental disabilities
10 program to deliver the services required under s. 51.437 if, under s. 51.437 (4g) (b),
11 the county board of supervisors in a county with a single-county department of
12 community programs, the Milwaukee County mental health board, or the county
13 boards of supervisors in counties with a multicounty department of community
14 programs transfer the powers and duties of the county department under s. 51.437
15 to the county department of community programs. The county board of supervisors
16 in a county with a single-county department of community programs, the
17 Milwaukee County mental health board, and the county boards of supervisors in
18 counties with a multicounty department of community programs may designate the
19 county department of community programs to which these powers and duties have
20 been transferred as the administrative agency of the long-term support community
21 options program under s. 46.27 (3) (b) 1. and 5. and the community integration
22 programs under ss. 46.275, 46.277 and 46.278.

23 **SECTION 29.** 51.42 (3) (ar) 8. of the statutes is amended to read:

24 51.42 (3) (ar) 8. By September 30, submit for inclusion as part of the proposed
25 county budget to the Milwaukee County mental health board in Milwaukee County,

1 to the county executive or county administrator, or, in those counties without a
2 county executive or county administrator, directly to the county board of supervisors
3 in a county with a single-county department of community programs or the county
4 boards of supervisors in counties with a multicounty department of community
5 programs a proposed budget for the succeeding calendar year covering services,
6 including active treatment community mental health center services, based on the
7 plan required under subd. 5. The final budget shall be submitted to the department
8 of health services.

9 **SECTION 30.** 51.42 (3) (ar) 14. of the statutes is amended to read:

10 51.42 (3) (ar) 14. If the county board of supervisors or, as applicable, the
11 Milwaukee County mental health board establishes an initiative to provide
12 coordinated services under s. 59.53 (7), participate in and may administer the
13 initiative, including entering into any written interagency agreements or contracts.

14 **SECTION 31.** 51.42 (3) (b) of the statutes is amended to read:

15 51.42 (3) (b) *Other powers and duties.* The county board of supervisors of any
16 county with a single-county department of community programs, the Milwaukee
17 County mental health board, and the county boards of supervisors of counties with
18 a multicounty department of community programs may designate the county
19 department of community programs as the administrator of any other county health
20 care program or institution, but the operation of such program or institution is not
21 reimbursable under s. 51.423.

22 **SECTION 32.** 51.42 (4) (a) 1. (intro.) of the statutes is amended to read:

23 51.42 (4) (a) 1. (intro.) Except as provided under subd. 2., the county board of
24 supervisors of every county with a single-county department of community
25 programs except Milwaukee County, the Milwaukee County mental health board, or

1 the county boards of supervisors in counties with a multicounty department of
2 community programs shall, before qualification under this section, appoint a
3 governing and policy-making board to be known as the county community programs
4 board. A county community programs board appointed under this subdivision shall
5 govern the single-county or multicounty department of community programs and
6 shall assume all of the powers and duties of the county department of community
7 programs under sub. (3) (ar) to (bm). A member of a county community programs
8 board appointed under this subdivision may be removed from office under the
9 following circumstances:

10 **SECTION 33.** 51.42 (4) (a) 1. a. of the statutes is amended to read:

11 51.42 (4) (a) 1. a. For cause, by a two-thirds vote of each county board of
12 supervisors participating in the appointment or the Milwaukee County mental
13 health board, on due notice in writing and hearing of the charges against the
14 member.

15 **SECTION 34.** 51.42 (4) (a) 2. (intro.) of the statutes ^{is} ~~are~~ amended to read:

16 51.42 (4) (a) 2. ^(intro.) In any county with a county executive or county administrator
17 and which has established a single-county department of community programs, the
18 county executive or county administrator shall appoint, subject to confirmation by
19 the county board of supervisors or the Milwaukee County mental health board, the
20 county community programs board, which shall be only a policy-making body
21 determining the broad outlines and principles governing the administration of
22 programs under this section. A member of a county community programs board
23 appointed under this subdivision may be removed by the county executive or county
24 administrator under the following circumstances:

25 **SECTION 35.** 51.42 (4) (b) 1. of the statutes is amended to read:

1 51.42 (4) (b) 1. In a single-county department of community programs the
2 county community programs board shall be composed of not less than 9 nor more
3 than 15 persons of recognized ability and demonstrated interest in the problems of
4 the mentally ill, developmentally disabled, alcoholic or drug dependent persons and
5 shall have representation from the interest group of the mentally ill, the interest
6 group of the developmentally disabled, the interest group of the alcoholic and the
7 interest group of the drug dependent. At least one member appointed to a county
8 community programs board shall be an individual who receives or has received
9 services for mental illness, developmental disability, alcoholism or drug dependency
10 or shall be a family member of such an individual. No more than 5 members may be
11 appointed from the county board of supervisors. In Milwaukee County, the
12 Milwaukee County mental health board shall make the appointments.

13 **SECTION 36.** 51.42 (5) (a) 4. of the statutes is amended to read:

14 51.42 (5) (a) 4. Appoint a county community programs director, subject to the
15 approval of each county board of supervisors which participated in the appointment
16 of the county community programs board or the approval of the Milwaukee County
17 mental health board, on the basis of recognized and demonstrated interest in and
18 knowledge of the problems of mental health, developmental disability, alcoholism
19 and drug addiction, with due regard to training, experience, executive and
20 administrative ability, and general qualification and fitness for the performance of
21 the duties of the county community programs director under sub. (6). The county
22 board of supervisors in a county with a single-county department of community
23 programs, the Milwaukee County mental health board, or the county boards of
24 supervisors in counties with a multicounty department of community programs may
25 delegate this appointing authority to the county community programs board.

1 **SECTION 37.** 51.42 (5) (a) 5. of the statutes is amended to read:

2 51.42 (5) (a) 5. Fix the salaries of the employees of the county department of
3 community programs, subject to the approval of each county board of supervisors
4 which participated in the appointment of the county community programs board or
5 the approval of the Milwaukee County mental health board unless such county board
6 of supervisors or the Milwaukee County mental health board elects not to review the
7 salaries.

8 **SECTION 38.** 51.42 (5) (a) 6. of the statutes is amended to read:

9 51.42 (5) (a) 6. Prepare a proposed budget for submission to the county board
10 or the Milwaukee County mental health board, as applicable, and a final budget for
11 submission to the department of health services in accordance with s. 46.031 (1).

12 **SECTION 39.** 51.42 (5) (a) 12. of the statutes is amended to read:

13 51.42 (5) (a) 12. Determine, subject to the approval of the county board of
14 supervisors in a county with a single-county department of community programs,
15 the Milwaukee County mental health board, or the county boards of supervisors in
16 counties with a multicounty department of community programs and with the advice
17 of the county community programs director appointed under subd. 4., whether
18 services are to be provided directly by the county department of community
19 programs or contracted for with other providers and make such contracts. The
20 county board of supervisors in a county with a single-county department of
21 community programs, the Milwaukee County mental health board, or the county
22 boards of supervisors in counties with a multicounty department of community
23 programs may elect to require the approval of any such contract by the county board
24 of supervisors in a county with a single-county department of community programs,

1 the Milwaukee County mental health board, or the county boards of supervisors in
2 counties with a multicounty department of community programs.

3 **SECTION 40.** 51.42 (5) (b) (intro.) of the statutes is amended to read:

4 51.42 (5) (b) (intro.) Subject to the approval of the county board of supervisors
5 in a county with a single-county department of community programs, the
6 Milwaukee County mental health board, or the county boards of supervisors in
7 counties with a multicounty department of community programs and with the advice
8 of the county community programs director appointed under par. (a) 4., a county
9 community programs board appointed under sub. (4) (a) 1. may, together with a
10 private or public organization or affiliation, do all of the following:

11 **SECTION 41.** 51.42 (5) (b) 3. of the statutes is amended to read:

12 51.42 (5) (b) 3. Provide administrative and financial services or resources for
13 operation of the entity under subd. 1. on terms prescribed by the county board of
14 supervisors or the Milwaukee County mental health board.

15 **SECTION 42.** 51.42 (6) (d) of the statutes is amended to read:

16 51.42 (6) (d) Prepare other reports as are required by the secretary and the
17 county board of supervisors in a county with a single-county department of
18 community programs, the Milwaukee County mental health board, or the county
19 boards of supervisors in counties with a multicounty department of community
20 programs.

21 **SECTION 43.** 51.42 (6m) (intro.) of the statutes is amended to read:

22 51.42 (6m) COUNTY COMMUNITY PROGRAMS DIRECTOR IN CERTAIN COUNTIES WITH A
23 COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county with a county
24 executive or county administrator in which the county board of supervisors or the
25 Milwaukee County mental health board has established a single-county department

1 of community programs, the county executive or county administrator shall appoint
2 and supervise the county community programs director. In any county with a
3 population of ~~500,000~~ 750,000 or more, the county executive or county administrator
4 shall appoint the director of the county department of human services under s. 46.21
5 as the county community programs director. The appointment of a county
6 community programs director under this subsection shall be on the basis of
7 recognized and demonstrated interest in and knowledge of the problems of mental
8 health, intellectual disability, alcoholism and drug addiction, with due regard to
9 training, experience, executive and administrative ability, and general qualification
10 and fitness for the performance of the duties of the director. The appointment of a
11 county community programs director under this subsection is subject to
12 confirmation by the county board of supervisors unless the county board of
13 supervisors, by ordinance, elects to waive confirmation or unless the appointment is
14 made under a civil service system competitive examination procedure established
15 under s. 59.52 (8) or ch. 63. The county community programs director, subject only
16 to the supervision of the county executive or county administrator, shall:

17 **SECTION 44.** 51.42 (6m) (c) of the statutes is amended to read:

18 51.42 **(6m)** (c) Determine, subject to the approval of the county board of
19 supervisors or the Milwaukee County mental health board, as applicable, and with
20 the advice of the county community programs board, whether services are to be
21 provided directly by the county department of community programs or contracted for
22 with other providers and make such contracts. The county board of supervisors or
23 the Milwaukee County mental health board may elect to require the approval of any
24 such contract by the county board of supervisors or the Milwaukee County mental
25 health board.

1 **SECTION 45.** 51.42 (6m) (i) of the statutes is amended to read:

2 51.42 **(6m)** (i) Establish salaries and personnel policies of the programs of the
3 county department of community programs subject to approval of the county
4 executive or county administrator and county board of supervisors or the Milwaukee
5 County mental health board unless the county board of supervisors or the Milwaukee
6 County mental health board elects not to review the salaries and personnel policies.

7 **SECTION 46.** 51.42 (6m) (m) 3. of the statutes is amended to read:

8 51.42 **(6m)** (m) 3. Such other reports as are required by the secretary and the
9 county board of supervisors or, as applicable, the Milwaukee County mental health
10 board.

11 **SECTION 47.** 51.423 (11) of the statutes is amended to read:

12 51.423 **(11)** Each county department under s. 51.42 or 51.437, or both, shall
13 apply all funds it receives under subs. (1) to (7) to provide the services required under
14 ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and
15 accessibility of the persons in its jurisdiction, except that the county department may
16 pay for inpatient treatment only with funds designated by the department for
17 inpatient treatment. The county department may expand programs and services
18 with county funds not used to match state funds under this section subject to the
19 approval of the county board of supervisors in a county with a single-county
20 department, the Milwaukee County mental health board, or the county boards of
21 supervisors in counties with multicounty departments and with other local or
22 private funds subject to the approval of the department and the county board of
23 supervisors in a county with a single-county department under s. 51.42 or 51.437,
24 the Milwaukee County mental health board with a department under s. 51.42 or
25 51.437, or the county boards of supervisors in counties with a multicounty

1 department under s. 51.42 or 51.437. The county board of supervisors in a county
2 with a single-county department under s. 51.42 or 51.437, the Milwaukee County
3 mental health board with a department under s. 51.42 or 51.437, or the county
4 boards of supervisors in counties with a multicounty department under s. 51.42 or
5 51.437 may delegate the authority to expand programs and services to the county
6 department under s. 51.42 or 51.437. The county department under s. 51.42 or
7 51.437 shall report to the department all county funds allocated to the county
8 department under s. 51.42 or 51.437 and the use of such funds. Moneys collected
9 under s. 46.10 shall be applied to cover the costs of primary services, exceptional and
10 specialized services or to reimburse supplemental appropriations funded by
11 counties. County departments under ss. 51.42 and 51.437 shall include collections
12 made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m)
13 (a) 3. and 4. and are distributed to county departments under ss. 51.42 and 51.437
14 from the appropriation account under s. 20.435 (5) (gg), as revenues on their
15 grant-in-aid expenditure reports to the department.

16 **SECTION 48.** 51.437 (4) (a) of the statutes is amended to read:

17 51.437 (4) (a) The county board of supervisors, or in Milwaukee County, the
18 Milwaukee County mental health board, has the primary governmental
19 responsibility for the well-being of those developmentally disabled citizens residing
20 within its county and the families of the developmentally disabled insofar as the
21 usual resultant family stresses bear on the well-being of the developmentally
22 disabled citizen. This primary governmental responsibility is limited to the
23 programs, services and resources that the county board of supervisors or the
24 Milwaukee County mental health board is reasonably able to provide within the

1 limits of available state and federal funds and of county funds required to be
2 appropriated to match state funds.

3 **SECTION 49.** 51.437 (4g) (a) of the statutes is amended to read:

4 51.437 (4g) (a) Except as provided under par. (b) and ss. 46.21 (2m) (b) and
5 46.23 (3) (b), every county board of supervisors except in Milwaukee County and the
6 Milwaukee County mental health board in Milwaukee County shall establish a
7 county department of developmental disabilities services on a single-county or
8 multicounty basis to furnish services within its county. Counties lacking the
9 financial resources and professional personnel needed to provide or secure such
10 services on a single-county basis may combine their energies and financial resources
11 to provide these joint services and facilities with the approval of the department of
12 health services. The county department of developmental disabilities services shall
13 consist of a county developmental disabilities services board, a county
14 developmental disabilities services director and necessary personnel.

15 **SECTION 50.** 51.437 (4g) (b) of the statutes is amended to read:

16 51.437 (4g) (b) A county board of supervisors or the Milwaukee County mental
17 health board may transfer the powers and duties of a county department of
18 developmental disabilities services under this section to a county department under
19 s. 51.42, which shall act under s. 51.42 (3) (ar) 3.

20 **SECTION 51.** 51.437 (4g) (c) of the statutes is amended to read:

21 51.437 (4g) (c) In a county with a population of ~~500,000~~ 750,000 or more, the
22 ~~county board of supervisors~~ Milwaukee County mental health board shall integrate
23 day care programs for persons with an intellectual disability and those programs for
24 persons with other developmental disabilities into the county developmental
25 disabilities program.

1 **SECTION 52.** 51.437 (4m) (j) of the statutes is amended to read:

2 51.437 (4m) (j) By September 30, submit for inclusion as part of the proposed
3 county budget to the county executive or county administrator, to the Milwaukee
4 County mental health board in Milwaukee County, or, in those counties without a
5 county executive or county administrator, directly to the county board of supervisors
6 in a county with a single-county department of developmental disabilities services
7 or the county boards of supervisors in counties with a multicounty department of
8 developmental disabilities services a proposed budget for the succeeding calendar
9 year covering services, including active treatment community mental health center
10 services, based on the plan required under s. 51.42 (3) (ar) 5. The final budget shall
11 be submitted to the department of health services.

12 **SECTION 53.** 51.437 (4m) (m) of the statutes is amended to read:

13 51.437 (4m) (m) If the county board of supervisors or the Milwaukee County
14 mental health board establishes an initiative to provide coordinated services under
15 s. 59.53 (7), participate in the initiative, including entering into any written
16 interagency agreements or contracts.

17 **SECTION 54.** 51.437 (4r) (a) 3. of the statutes is amended to read:

18 51.437 (4r) (a) 3. May administer an initiative to provide coordinated services
19 under s. 59.53 (7), if the county board of supervisors or the Milwaukee County mental
20 health board establishes the initiative.

21 **SECTION 55.** 51.437 (7) (a) 1. of the statutes is amended to read:

22 51.437 (7) (a) 1. Except as provided under subd. 2., the county board of
23 supervisors in a county with a single-county department of developmental
24 disabilities services, the Milwaukee County mental health board, or the county
25 boards of supervisors in counties with a multicounty department of developmental

1 disabilities services shall, before qualification under this section, appoint a county
2 developmental disabilities services board. A county developmental disabilities
3 services board appointed under this subdivision shall govern the single-county or
4 multicounty department of developmental disabilities services. A member of a
5 county developmental disabilities services board appointed under this subdivision
6 may be removed from office for cause by a two-thirds vote of the appointing
7 authority, on due notice in writing and hearing of the charges against the member.

8 **SECTION 56.** 51.437 (7) (a) 2. of the statutes is amended to read:

9 51.437 (7) (a) 2. In any county with a county executive or county administrator
10 and which has established a single-county department of developmental disabilities
11 services, the county executive or county administrator shall appoint, subject to
12 confirmation by the county board of supervisors or the Milwaukee County mental
13 health board as applicable, the county developmental disabilities services board,
14 which shall be only a policy-making body determining the broad outlines and
15 principles governing the administration of programs under this section. A member
16 of the county developmental disabilities services board appointed under this
17 subdivision may be removed by the county executive or county administrator for
18 cause.

19 **SECTION 57.** 51.437 (9) (a) of the statutes is amended to read:

20 51.437 (9) (a) Appoint a county developmental disabilities services director,
21 subject to the approval of each county board of supervisors which participated in the
22 appointment of the county developmental disabilities services board or the
23 Milwaukee County mental health board, establish salaries and personnel policies for
24 the county department of developmental disabilities services subject to the approval
25 of each such county board of supervisors or the Milwaukee County mental health

1 board and arrange and promote local financial support for the program. Each county
2 board of supervisors in a county with a single-county department of developmental
3 disabilities services, the Milwaukee County mental health board, or the county
4 boards of supervisors in counties with a multicounty department of developmental
5 disabilities services may delegate such appointing authority to the county
6 developmental disabilities services board.

7 **SECTION 58.** 51.437 (9) (g) of the statutes is amended to read:

8 51.437 (9) (g) Determine, subject to the approval of the county board of
9 supervisors in a county with a single-county department of developmental
10 disabilities services, the Milwaukee County mental health board, or the county
11 boards of supervisors in counties with a multicounty department of developmental
12 disabilities services and with the advice of the county developmental disabilities
13 services director appointed under par. (a), whether services are to be provided
14 directly by the county department of developmental disabilities services or
15 contracted for with other providers and make such contracts. The county board of
16 supervisors in a county with a single-county department of developmental
17 disabilities services, the Milwaukee County mental health board in Milwaukee
18 County, or the county boards of supervisors in counties with a multicounty
19 department of developmental disabilities services may elect to require the approval
20 of any such contract by the county board of supervisors in a county with a
21 single-county department of developmental disabilities services, the Milwaukee
22 County mental health board in Milwaukee County, or the county boards of
23 supervisors in counties with a multicounty department of developmental disabilities
24 services.

25 **SECTION 59.** 51.437 (10) (ar) 3. of the statutes is amended to read:

1 51.437 (10) (ar) 3. Such other reports as are required by the department of
2 health services and the county board of supervisors in a county with a single-county
3 department of developmental disabilities services, the Milwaukee County mental
4 health board in Milwaukee County, or the county boards of supervisors in counties
5 with a multicounty department of developmental disabilities services.

6 **SECTION 60.** 51.437 (10m) (intro.) of the statutes is amended to read:

7 51.437 (10m) COUNTY DEVELOPMENTAL DISABILITIES SERVICES DIRECTOR IN CERTAIN
8 COUNTIES WITH A COUNTY EXECUTIVE OR COUNTY ADMINISTRATOR. (intro.) In any county
9 with a county executive or a county administrator in which the county board of
10 supervisors or the Milwaukee County mental health board has established a
11 single-county department of developmental disabilities services, the county
12 executive or county administrator shall appoint and supervise the county
13 developmental disabilities services director. In any county with a population of
14 500,000 750,000 or more, the county executive or county administrator shall appoint
15 the director of the county department of human services under s. 46.21 as the county
16 developmental disabilities services director. The appointment is subject to
17 confirmation by the Milwaukee County mental health board in Milwaukee County
18 or the county board of supervisors unless the county board of supervisors, by
19 ordinance, elects to waive confirmation or unless the appointment is made under a
20 civil service system competitive examination procedure established under s. 59.52
21 (8) or ch. 63. The county developmental disabilities services director, subject only to
22 the supervision of the county executive or county administrator, shall:

23 **SECTION 61.** 51.437 (10m) (c) of the statutes is amended to read:

24 51.437 (10m) (c) Determine, subject to the approval of the county board of
25 supervisors or the Milwaukee County mental health board and with the advice of the

1 county developmental disabilities services board under sub. (9b) (e), whether
2 services are to be provided directly by the county department of developmental
3 disabilities services or contracted for with other providers and make such contracts.
4 The county board of supervisors or the Milwaukee County mental health board may
5 elect to require the approval of any such contract by the county board of supervisors
6 or the Milwaukee County mental health board.

7 **SECTION 62.** 51.437 (10m) (i) of the statutes is amended to read:

8 51.437 (10m) (i) Establish salaries and personnel policies of the program
9 subject to approval of the county executive or county administrator and county board
10 of supervisors or the Milwaukee County mental health board, as applicable.

11 **SECTION 63.** 51.437 (10m) (n) 3. of the statutes is amended to read:

12 51.437 (10m) (n) 3. Such other reports as are required by the department of
13 health services, the Milwaukee County mental health board where applicable, and
14 the county board of supervisors.

15 **SECTION 64.** 51.44 (4) of the statutes is amended to read:

16 51.44 (4) Each county board of supervisors and the Milwaukee County mental
17 health board shall designate the appropriate county department under s. 46.21,
18 46.23 or 51.437, the local health department of the county or another entity as the
19 local lead agency to provide early intervention services under the funding specified
20 in sub. (3).

21 **SECTION 65.** 51.61 (1) (e) of the statutes is amended to read:

22 51.61 (1) (e) Except in the case of a patient who is admitted or transferred under
23 s. 51.35 (3) or 51.37 or under ch. 971 or 975, have the right to the least restrictive
24 conditions necessary to achieve the purposes of admission, commitment or protective
25 placement, under programs, services and resources that the county board of

1 supervisors or the Milwaukee County mental health board is reasonably able to
2 provide within the limits of available state and federal funds and of county funds
3 required to be appropriated to match state funds.

4 **SECTION 66.** 51.61 (1) (f) of the statutes is amended to read:

5 51.61 (1) (f) Have a right to receive prompt and adequate treatment,
6 rehabilitation and educational services appropriate for his or her condition, under
7 programs, services and resources that the county board of supervisors or the
8 Milwaukee County mental health board is reasonably able to provide within the
9 limits of available state and federal funds and of county funds required to be
10 appropriated to match state funds.

11 **SECTION 67.** 55.001 of the statutes is amended to read:

12 **55.001 Declaration of policy.** The legislature recognizes that many citizens
13 of the state, because of serious and persistent mental illness, degenerative brain
14 disorder, developmental disabilities, or other like incapacities, are in need of
15 protective services or protective placement. Except as provided in s. 49.45 (30m) (a),
16 the protective services or protective placement should, to the maximum degree of
17 feasibility under programs, services and resources that the county board of
18 supervisors or the Milwaukee County mental health board is reasonably able to
19 provide within the limits of available state and federal funds and of county funds
20 required to be appropriated to match state funds, allow the individual the same
21 rights as other citizens, and at the same time protect the individual from financial
22 exploitation, abuse, neglect, and self-neglect. This chapter is designed to establish
23 those protective services and protective placements, to assure their availability to all
24 individuals when in need of them, and to place the least possible restriction on

- 1 personal liberty and exercise of constitutional rights consistent with due process and
2 protection from abuse, financial exploitation, neglect, and self-neglect.

3 ***NOTE: In a subsequent draft I will insert a nonstatutory provision relating to
the initial terms of board members to create the staggered terms.

(END)

Insert 36-3

Insert
Nonstat

→ (END) ←

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3513/P2ins
TJD:.....

1 INSERT 2-6

2 **SECTION 1.** 15.07 (1) (cm) of the statutes is amended to read:

3 15.07 (1) (cm) The term of one member of the government accountability board
4 shall expire on each May 1. The terms of the 3 members of the land and water
5 conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1.
6 The term of the member of the land and water conservation board appointed under
7 s. 15.135 (4) (b) 2m. shall expire on May 1 of an even-numbered year. The terms of
8 the appraiser members of the real estate appraisers board and the terms of the
9 auctioneer and auction company representative members of the auctioneer board
10 shall expire on May 1 in an even-numbered year. The terms of the members of the
11 cemetery board shall expire on July 1 in an even-numbered year. The term of the
12 student member of the Board of Regents of the University of Wisconsin System who
13 is at least 24 years old shall expire on May 1 of every even-numbered year. The term
14 of the members of the Milwaukee County mental health board appointed under s.
15 15.195 (9) (b) 2., 4., and 6. shall expire on May 1 of an even-numbered year.

History: 1971 c. 100 s. 23; 1971 c. 125, 261, 270, 323; 1973 c. 90, 156, 299, 334; 1975 c. 39, 41, 422; 1977 c. 29 ss. 24, 26, 1650m (3); 1977 c. 203, 277, 418, 427; 1979 c. 34, 110, 221, 346; 1981 c. 20, 62, 94, 96, 156, 314, 346, 374, 391; 1983 a. 27, 282, 403; 1985 a. 20, 29, 316; 1987 a. 27, 119, 142, 354, 399, 403; 1989 a. 31, 102, 114, 219, 299, 340; 1991 a. 25, 39, 116, 221, 269, 316; 1993 a. 16, 75, 102, 184, 349, 399, 490; 1995 a. 27, 216, 247; 1997 a. 27 ss. 43 to 48m, 9456 (3m); 1999 a. 9, 44, 181, 197; 2001 a. 16; 2003 a. 33 ss. 79 to 85, 2811; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 41g to 45m, 2493; 2005 a. 76, 228, 253; 2007 a. 1, 20, 97, 109; 2009 a. 28; 2011 a. 10, 32.

(END INSERT 2-6)

16 INSERT 3-16

17 1. A psychiatrist or psychologist who is suggested by the Milwaukee County
18 board of supervisors. The Milwaukee County board of supervisors shall solicit
19 suggestions for psychiatrists and psychologists from organizations including the
20 Wisconsin Medical Society and the Wisconsin Psychological Association for
21 individuals who specialize in a full continuum of behavioral health services. The

(1) chairperson of the Milwaukee County board of supervisors shall suggest to the
2 governor 4 psychiatrists and psychologists for this board membership position.

3 2. A representative of the community who is suggested by the Milwaukee
4 County board of supervisors. The chairperson of the Milwaukee County board of
5 supervisors shall solicit suggestions for consumers, advocates, or family members of
6 individuals experiencing mental illness from organizations including the Milwaukee
(7) Mental Health Task Force. The chairperson of the Milwaukee County board of
8 supervisors shall suggest to the governor 4 representatives of the community for this
9 board membership position.

10 3. A medical director who is suggested by the Milwaukee County executive.
11 The Milwaukee County executive shall solicit suggestions from organizations
12 including the Wisconsin Hospitals Association for physicians who specialize in a full
13 continuum of behavioral health and medical services including emergency
14 detention, inpatient, residential, transitional, partial hospitalization, intensive
15 outpatient, and wraparound community-based services. The Milwaukee County
16 executive shall suggest to the governor 4 medical directors for this board
17 membership position.

(18) 4. A representative specializing in finance and administration who is
19 suggested by the Milwaukee County executive. The Milwaukee County executive
20 shall solicit suggestions from organizations including the Wisconsin Hospitals
21 Association for individuals with experience in analyzing healthcare operating
22 expenses, revenues, and reimbursement and expertise in financial restructuring for
23 sustainability. The Milwaukee County executive shall suggest to the governor 4
(24) individuals with expertise specializing in finance and administration for this board
25 membership position.

1 5. An individual with legal expertise. The governor shall solicit suggestions
2 from organizations including the Legal Aid Society of Milwaukee or Legal Action
3 Wisconsin for 4 individuals who have legal expertise specializing in emergency
4 detention regulatory requirements including policies, procedures, provider
5 responsibilities, and patient rights.

6 6. An individual representing mental health service providers. The governor
7 shall solicit suggestions from organizations including the Community Justice
(8) Counsel for 4 individuals representing ^{mental health} service providers including judges, lawyers,
9 crisis intervention team police officers, and other service providers.

10 7. An employee of the department of health services who has direct knowledge
11 of funding and systems, oversees the state mental health institutes, and is the official
12 contact for the federal government on behavioral health issues or, if this individual
13 is unavailable to serve on the board, the secretary of the department of health
14 services or his or her designee.

15 (c) 1. The members under par. (b) may not have been employees or contractors
16 of Milwaukee County at the time of or any time in the 12 months before nomination.

****NOTE: Does the restriction on contractors eliminate too many mental health
experts in the area near Milwaukee County?

****NOTE: Since the members of the board are nominated by the governor, they may
already be included in the ethics provisions of chapter 19 for state public officials. I will
confirm this and apply the ethics provisions to the members of the board if they do not
apply already.

17 2. No member of the board may directly or indirectly solicit or receive
18 subscriptions or contributions for any partisan political party or any political
19 purpose while appointed to the board. No member of the board, and no nominee for
20 the board in the 12 months before nomination, may engage in any form of political
21 activity calculated to favor or improve the chances of any political party or any person

1 seeking or attempting to hold partisan office. No member of the board, and no
2 nominee for the board in the 12 months before nomination, may hold an elected office.
3 Any violation of this subdivision is adequate grounds for dismissal.

4 **SECTION 2.** 20.435 (5) (kf) of the statutes is created to read:

5 20.435 (5) (kf) *Milwaukee County mental health board*. All moneys received
6 under s. 51.41 (5) (b) for the Milwaukee County mental health board.

✓
(END INSERT 3-16)

7 INSERT 17-3

8 **SECTION 3.** 46.56 (1) (a) of the statutes is amended to read:

9 46.56 (1) (a) "Administering agency" means a department designated by a
10 county board of supervisors, in Milwaukee County by the Milwaukee County mental
11 health board, or by a tribe to administer an initiative.

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16; 2009 a. 28, 334; 2011 a. 260; 2013 a. 20.

12 **SECTION 4.** 46.56 (2) (a) of the statutes is amended to read:

13 46.56 (2) (a) Except as provided in par. (b), if a county board of supervisors or
14 the Milwaukee County mental health board establishes an initiative under s. 59.53
15 (7) or if a tribe establishes an initiative, the county board, Milwaukee County mental
16 health board, or tribe shall appoint a coordinating committee and designate an
17 administering agency. The initiative may be funded by the county or tribe or the
18 county board of supervisors, Milwaukee County mental health board, or tribe may
19 apply for funding by the state in accordance with sub. (15).

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16; 2009 a. 28, 334; 2011 a. 260; 2013 a. 20.

20 **SECTION 5.** 46.56 (2) (b) of the statutes is amended to read:

21 46.56 (2) (b) A county may enter into an agreement with one or more other
22 counties or tribes to establish an initiative and a tribe may enter into an agreement

As affected
by 2013
Wisconsin
Act 20

As created by
2013 Wisconsin
Act 20

1 with one or more counties or tribes to establish an initiative. The parties to the
2 agreement shall designate in the agreement a single lead administrative county or
3 lead administrative tribe. The county board of the lead administrative county, the
4 Milwaukee County mental health board, if Milwaukee County is the lead
5 administrative county, or the lead administrative tribe shall appoint a coordinating
6 committee and designate an administering agency. The initiative may be funded by
7 the participating entities, or the county board of supervisors of the lead
8 administrative county, the Milwaukee County mental health board, if Milwaukee
9 County is the lead administrative county, or the lead administrative tribe may apply
10 for funding by the state in accordance with sub. (15).

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16; 2009 a. 28, 334; 2011 a. 260; 2013 a. 20.

11 **SECTION 6.** 46.56 (3) (b) 11. of the statutes is amended to read:

12 46.56 (3) (b) 11. Representatives of the county board or in Milwaukee County,
13 the Milwaukee County mental health board ^e or, for an initiative established by a
14 tribe, representatives of the elected governing body of the tribe.

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16; 2009 a. 28, 334; 2011 a. 260; 2013 a. 20.

15 **SECTION 7.** 46.56 (4) (d) of the statutes is amended to read:

16 46.56 (4) (d) If the county board of supervisors, Milwaukee County mental
17 health board, or tribe or a multi-entity initiative decides to seek state funding under
18 sub. (15), develop the application in cooperation with the coordinating committee.

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16; 2009 a. 28, 334; 2011 a. 260; 2013 a. 20.

19 **SECTION 8.** 46.56 (15) (b) (intro.) of the statutes is amended to read:

20 46.56 (15) (b) (intro.) In order to apply for funds under this subsection, the
21 county board of supervisors, Milwaukee County mental health board, or tribe or, for
22 a multi-entity initiative, the county board of the lead administrative county, the

as affected by 2013
Wisconsin Act 20

use 2x

1 Milwaukee County mental health board, if Milwaukee County is the lead
2 administrative county, or the lead administrative tribe shall do all of the following:

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16; 2009 a. 28, 334; 2011 a. 260; 2013 a. 20.

3 **SECTION 9.** 46.87 (3) (a) of the statutes is amended to read:

4 46.87 (3) (a) A county board or the Milwaukee County mental health board may
5 apply to initially participate in the program created under this section by submitting
6 to the department a one-time letter of intent to participate which includes a
7 description of the program and services related to Alzheimer's disease which the
8 county board or the Milwaukee County mental health board intends to provide.

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

9 **SECTION 10.** 46.87 (3) (c) (intro.) of the statutes is amended to read:

10 46.87 (3) (c) (intro.) The county board for each county selected to participate,
11 or the Milwaukee County mental health board if Milwaukee County is selected to
12 participate, shall designate one of the following as the administering agency for the
13 program:

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

14 **SECTION 11.** 46.87 (4) of the statutes is amended to read:

15 46.87 (4) If a county board does not submit an application under sub. (3) (a) by
16 January 1, 1986, the department shall make that county's allocation available to a
17 private nonprofit organization, as defined under s. 108.02 (19), to administer the
18 program created under this section and shall select the organization according to
19 criteria promulgated by rule. An organization selected as the administering agency
20 under this subsection shall continue to be eligible to receive the county's allocation
21 unless the county board or the Milwaukee County mental health board subsequently
22 submits to the department a letter of intent to participate and receives approval of
23 its proposed program.

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

SECTION 12. 46.87 (7) (intro.) of the statutes is amended to read:

46.87 (7) (intro.) The county board or the Milwaukee County mental health board shall notify the department if any of the following occurs:

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

SECTION 13. 46.87 (7) (b) of the statutes is amended to read:

46.87 (7) (b) The county board or the Milwaukee County mental health board intends to terminate participation in the program.

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

SECTION 14. 46.87 (7) (c) of the statutes is amended to read:

46.87 (7) (c) The county's program and services related to Alzheimer's disease contain a substantial difference, as defined by rule, from the description of the county's program and services contained in the county board's or the Milwaukee County mental health board's letter of intent most recently submitted to the department under sub. (3) (a).

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

(END INSERT 17-3)

Insert 18-8

(14) (e) Facilitate delivery of mental health services in an efficient and effective manner by making a commitment to all of the following:

1. Community-based, recovery-oriented, mental health systems.
2. Maximizing comprehensive community-based services.
3. Prioritizing access to community-based services and reducing reliance on institutional and inpatient care.
4. Protecting the personal liberty of individuals experiencing mental illness so that they may be treated in the least restrictive environment to the greatest extent possible.

jurisdiction of the

① new mental health functions, programs, or services that are under the board of
② supervisors' jurisdiction. Any dispute between the Milwaukee County board of
3 supervisors and the Milwaukee County mental health board over whether a
4 function, program, or service is a mental health function, program, or service under
5 the jurisdiction of the Milwaukee County mental health board shall be resolved by
6 the secretary of the department. *health services*

7 (b) ^{OT} ~~the~~ Milwaukee County mental health board ^{may} seeks to transfer jurisdiction
8 over a function, service, or program to itself that pertains to mental health or is
Milwaukee County 9 highly integrated with mental health services and that is not under its jurisdiction
10 by statute or by agreement with the Milwaukee County ^{board of supervisors} mental health board, the
11 Milwaukee County mental health board shall approve the transfer by an affirmative
12 vote of 5 of the 7 Milwaukee County mental health board member ^s and the secretary
13 of the department shall approve ^s the transfer.
health services


14 (5) PAYMENT OF BOARD EXPENDITURES. (a) The Milwaukee County board of
15 supervisors and the department shall enter an agreement for the payment of
16 expenses of the Milwaukee County mental health board.

17 (b) The Milwaukee County board of supervisors shall arrange for the payment
18 of expenses according to the agreement under par. (a). All payments shall be credited
19 to the appropriation account under s. 20.435 (5) (kf).

20 (6) COUNTY DEPARTMENT REQUIREMENTS. (a) A county department under s.
21 46.21, 51.42, or 51.437 in Milwaukee County may not impede the Milwaukee County
22 mental health board in performing its duties under this section or exercising its
23 powers under this section.

1 (b) A county department under s. 46.21, 51.42, or 51.437 in Milwaukee County
2 shall respond to any requests for information from the Milwaukee County mental
3 health board.

4 (7) REPORTING. By March 1, 2015, and annually by March 1 thereafter, the
5 Milwaukee County mental health board shall submit to the department a report
6 including a description of the funding allocations for Milwaukee County's mental
7 health functions, services, and programs and a description of any improvements and
8 efficiencies in those mental health functions, programs, and services.

9  (2) AUDIT. (a) Notwithstanding s. 13.94 (1) (m), beginning July 1, 2016, the
10 legislative audit bureau shall perform a financial and performance evaluation audit
11 of the Milwaukee County mental health board and of mental health functions,
12 programs, and services in Milwaukee County that includes all of the following:

13 1. A review of the effectiveness of the Milwaukee County mental health board
14 and the nature and effectiveness of new policies implemented under the Milwaukee
15 County mental health board in providing mental health services in Milwaukee
16 County.

17 2. A review of the expenditures of the Milwaukee County mental health board
18 including expenditures for administrative support for and reimbursement for
19 members of the Milwaukee County mental health board.

20 3. A review of Milwaukee County's expenditures for mental health functions,
21 programs, and services in the period after the formation of the Milwaukee County
22 mental health board.

****NOTE: Please specify what you want included in the audit performed by the
Legislative Audit Bureau.

(b) The department under s. 51.42 in Milwaukee County, the Milwaukee Mental Health Complex, and any other department or division of Milwaukee County government that has information relevant to the audit under par. (a) shall provide access to that information to the legislative audit bureau and shall cooperate with the audit.

Submit a detailed report of the audit to the appropriate standing committee in each house of the legislature under s. 13.172(3)
(c) Within 30 days after completion of the audit under par. (a), the legislative audit bureau shall file with the chief clerk of each house of the legislature and the department of health services a detailed report of the audit. The chief clerks shall distribute the report to the appropriate standing committees of the legislature.

(d) The legislative audit bureau may charge the department of health services for the cost of the audit required to be performed under par. (a). The department may include reimbursement for the cost of the audit in the agreement under sub. (5) (a).

(END INSERT 18-9)

INSERT 36-3

SECTION 15. 59.53 (7) of the statutes is amended to read:

59.53 (7) INITIATIVE TO PROVIDE COORDINATED SERVICES. The Except in Milwaukee County, the board may establish an initiative to provide coordinated services under s. 46.56.

History: 1995 a. 201 ss. 151, 153, 169, 413, 188, 192, 198, 201 to 206, 208, 217, 229, 234, 237, 241, 334, 362, 364, 436, 453; 1995 a. 225 ss. 164, 170; 1995 a. 279 s. 7; 1995 a. 289 s. 217; 1995 a. 404 ss. 184, 186; 1997 a. 3, 27, 35, 191, 252; 1999 a. 150 s. 672; 2001 a. 61; 2003 a. 33, 318; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 75, 334; 2013 a. 14.

SECTION 16. 59.53 (25) of the statutes is created to read:

59.53 (25) MILWAUKEE COUNTY MENTAL HEALTH. The Milwaukee County board has no jurisdiction to act in matters of mental health functions, programs, and services.

(END INSERT 36-3)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3513/P2ins2
TJD:.....

1 INSERT to Ins 18-9

2 (a) The Milwaukee County board of supervisors shall incorporate into the
3 budget for Milwaukee County for a fiscal year a total amount of funding for mental
✓ 4 health functions, services, and programs that is equal to one of the following:

✓ 5 1. For fiscal year 2015, \$177,425,000.

6 2. For each fiscal year following fiscal year 2015, the amount determined under
✓ 7 this paragraph for the previous fiscal year, adjusted to reflect one of the following:

8 a. Unless subd. 2. b. applies, the percentage change in the consumer price
9 index² for all urban consumers, U.S. city average, as determined by the U.S.
10 department of labor, during the calendar year preceding the fiscal year for which the
✓ 11 budget is being determined.

12 b. If the percentage change described in subd. 2. a. is positive and if there was
13 2 a smaller percentage change in the property tax levy for Milwaukee County between
14 the calendar year^s preceding the fiscal year and the fiscal year for which the budget
15 is being determined, that smaller percentage change. positive in any fiscal year

16 (b) The Milwaukee County board of supervisors may not provide funding for
17 and the Milwaukee County executive may not approve funding for mental health
18 functions, services, and programs that is less than or more than the amount specified
19 under par. (a) for that fiscal year. in any fiscal year

(END INSERT TO INS 18-9)

20 INSERT NONSTAT

21 SECTION 1. Nonstatutory provisions.

1 (1) INITIAL TERMS OF THE MILWAUKEE COUNTY MENTAL HEALTH BOARD.

2 Notwithstanding the length of terms specified for the members of the Milwaukee

3 County mental health board specified in sections 15.07 (1) (cm) and 15.195 (9) of the

4 statutes the initial members shall be appointed for the following terms:

5 (a) The members specified under section 15.195 (9) (b) 1., 3., and 5. of the
6 statutes, as created by this act, for terms that expire on May 1, 2019.

7 (b) The members specified under section 15.195 (9) (b) 2., 4., and 6. of the
8 statutes, as created by this act, for terms that expire on May 1, 2018.

(END INSERT NONSTAT)

other than the
member appointed
under section
15.195 (9) (b) 7.
of the statutes
as created by this act